

MEMORANDUM

TO: County Council

FROM: *MF* Michael Faden, Senior Legislative Attorney

SUBJECT: **Public Hearing/Action:** Expedited Bill 22-05, Building Permits – Moratorium –
Certain Areas

This packet will discuss several issues not covered in the first packet for this item, and includes several documents that have been circulated to Councilmembers but not made generally available. Those start at ©38 in order to stay consecutive with the original packet. See ©38-41 (CAO to Councilmember Silverman); ©42-49 (CAO to Councilmember Knapp); ©50-51 (Councilmember Silverman to colleagues); ©52-54 (Council President Perez to colleagues).

Issues

2) *Findings* (numbering in original packet) Council staff suggests, consistent with the County Attorney's advice, that the following language be inserted on line 2, and renumber later sections:

Sec. 1. Findings. The County Council finds that widespread violations of approved site plans at the Clarksburg Town Center residential development, which have been confirmed by the Planning Board, and allegations of further serious violations, call into question the integrity of the County's development approval and enforcement process throughout the County. The Council also finds that the only feasible way to assure that further construction which is not consistent with approved plans will not be allowed to proceed is to restrict the issuance of building permits until the Planning Board and Department of Permitting Services have adopted sufficient regulatory controls and procedures to assure that all future buildings are built according to law.

7) ***Building permit cross-check*** Attorney David Brown, representing the Clarksburg Town Center Advisory Committee, resubmitted the amendment proposed in the original packet (see ©26-28) in a version (see ©60-61) that also would (a) rewrite the core of this bill as a permanent provision and (b) define the “start of construction” as *completion of main floor framing*. **Council staff recommendation:** do not adopt any permanent amendment to the County Code in this bill; do not redefine start of construction because §1(a)(2) of Bill 22-05 as introduced reflects current Maryland law regarding vesting of property rights.

8) ***Exemption – MSPA’s*** Attorney Steve Elmendorf (see letter, ©55-57) proposed, as an alternative to deleting the 15-day waiting period (see Issue #6), that any building permit for residential development in a Metro Station Policy Area be exempt from the building permit restrictions in this bill. He is particularly concerned about the LCOR development on the White Flint Metro property. **Council staff recommendation:** do not exempt building permits in MSPA’s, but indicate (if the Council so concludes) that these permits should receive priority reviews.

9) ***Exemption –Productivity Housing Units*** Mr. Elmendorf also requested (see letter, ©58-59) that productivity housing units be exempt from any building permit restrictions. **Council staff recommendation:** do not exempt, but support priority reviews.

10) ***Inspector General review*** Councilmember Silverman intends to offer an amendment (see ©62), which he described in his memo to colleagues (see ©50-51), to require the County Inspector General to conduct two annual performance audits of the approval and enforcement of site plans by the Planning Board and Department of Permitting Services. Because of its direct link to building permits (see clause (3) of Bill 22-05 long title on ©1), Council staff concludes that this amendment is within the advertised scope of Bill 22-05. This review would be County-wide and prospective in nature, and differs significantly from the retrospective review of actions at Clarksburg Town Center that the Office of Legislative Oversight is now conducting. **Council staff recommendation:** approve.



OFFICES OF THE COUNTY EXECUTIVE


Douglas M. Duncan
County Executive

MEMORANDUM

Bruce Romer
Chief Administrative Officer

July 21, 2005

TO: Steven Silverman, Councilmember
Montgomery County Council

FROM: Bruce Romer, Chief Administrative Officer 

SUBJECT: Freeze on Building Permits

The following information is being provided in response to your inquiry of July 19, 2005, regarding the processes being implemented for the review of building permit applications in zones having a Maryland-National Capital Park and Planning Commission (MNCPPC) approved site plan.

Effective July 14, 2005, all pending and newly submitted building-permit applications subject to MNCPPC site-plan approval must be accompanied by building-site drawings that specify building heights and setbacks. The building-permit application site plan must also reference the signature site plan previously approved by the Planning Board ("the Board") and include a statement that the proposed height and setback are in compliance with the Board's approval.

Upon receipt of an application, DPS will forward the site plan to MNCPPC Development Review where MNCPPC staff will review the application for compliance with the signature site plan. When MNCPPC staff is satisfied that requirements are being met, they will sign and date the building application site plan, enter an approval into the DPS electronic permitting system, and return the plan to DPS.. Once all approvals have been granted, a building permit will be issued. DPS staff will archive the application and plans. The approved building-drawings will be available for plan reviewers to compare to the wallchecks submitted by the permittee.

It is anticipated that pending applications will be delayed in excess of two weeks and that new applications will be delayed by the time it takes MNCPPC to determine compliance with the signature site plan.



Steven Silverman, Councilmember
July 21, 2005
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Any decision on additional staff requirements will be determined after reviewing the findings of the OLO study. However, attached is a staffing plan in the event that DPS is delegated the authority to review and inspect 59-D-3 zones. Hiring and training additional staff will take three to six months. Existing staff are processing the pending and newly submitted building permit applications that contain the supplemental material showing that the proposed height and setback are in compliance with the MNCPPC site plan. No interim staffing plan is proposed.

The Council's proposed Bill 22-05 differs from the newly implemented DPS process in that the legislation stops the issuance of permits. The DPS process only delays permit issuance until the applicant for a building permit provides information necessary for MNCPPC to determine compliance with the height and setback standards of the signature site plan. The DPS process also applies to all projects in optional-method zones—commercial as well as residential properties.

The processing delay will allow citizens who have contracts to be certain that construction will commence and will also allow MPDUs and workforce housing to be constructed. MPDUs and other affordable housing projects are affected by the legislation and, to a lesser degree, by the DPS processing delay. Unlike the proposed bill, the DPS delay allows MPDUs to be approved for construction once it has been established that they comply with the MNCPPC signature site plan.

Executive Branch staff will attend the Council's meeting on this issue to clarify this response or to answer any additional questions you may have.

BR:rh/sr

Attachment

ATTACHMENT

JUSTIFICATION FOR SITE-PLAN-ENFORCEMENT STAFF IN THE DEPARTMENT OF PERMITTING SERVICES ("DPS")

In certain zones identified in article 59-C of the Montgomery County Code, no building, sediment-control, or use-and-occupancy permits for the construction or use of any building or structure may be issued until a site plan has been approved by the Maryland-National Park and Planning Commission ("MNCPPC"), unless the construction or use is in accordance with an approved site plan.

The staff identified below would be required for DPS to assume the responsibility for site-plan enforcement currently assigned in Chapter 59-C to MNCPPC.

Permitting Service Inspectors

Duties:

- ☐ Conduct field investigations (at least two per property) to ensure that heights and setbacks of newly constructed buildings comply with the signature sets of site plans approved by MNCPPC
- ☐ Conduct field investigations of complaints received by DPS about alleged violations of the height and setback requirements for site plans
- ☐ Attend Administrative Appeal hearings on the issuance of Notices of Violation or appeals of building permits
- ☐ Represent DPS on complaint cases heard in District Court

Permitting Services Specialists

Duties:

- ☐ Provide zoning and site-plan information to the public over the phone and in writing
- ☐ Conduct zoning plan reviews for residential and commercial buildings for compliance with site plans approved by MNCPPC
- ☐ Conduct plan review for use-and-occupancy permits
- ☐ Provide technical and administrative support to the Sign Review Board
- ☐ Attend Administrative Appeal hearings on zoning matters pertaining to building permits
- ☐ Serve as a liaison between DPS and MNCPPC regarding Development Review Meetings, Planning Board Hearings, and other meetings pertaining to site-plan enforcement

Currently, DPS has six Permitting Services Specialists ("PSS's") and four Permitting Services Inspectors/Investigators ("PSI's") in its zoning unit. Two PSS's and six PSI's would be required to accomplish the proposed workload. The costs for these positions are identified below.

Requirements for Site Plan Enforcement - Clarksburg

	Qty.	Cost	Total	One Time Costs
Permitting Services Inspector III*	6	\$45,635	\$273,810	
Sr. Permitting Services Specialist*	2	\$52,488	\$104,976	
4x4 Vehicles	6	\$19,000		\$114,000
Equipment Cost	6	\$500		\$3,000
Est. Maintenance Cost/Year	6	\$1,100	\$6,600	
Est. Fuel Cost/Year	6	\$900	\$5,400	
Est. Replacement Cost/Year	6	\$2,755	\$16,530	
Laptop Computers	6	\$4,000		\$24,000
Laptop Connection/year	8	\$780	\$6,240	
Desktop Computer	2	\$2,750		\$5,500
Cell Phones	8	\$150		\$1,200
Phone Service	8	\$60	\$480	
Desk Phone	2	\$300		\$600
Phone Service	2	\$420	\$840	
Cubicles/Office Space/elec. power				\$20,500
Furniture	8	\$1,500		\$12,000
Zoning Code, Supplies etc.	8	\$250	\$2,000	
			\$416,876	\$180,800

*Minimum salary (FY06 w/GWA) of a grade 23 for the PSI III and minimum salary of a grade 26 for the SPSS.



OFFICES OF THE COUNTY EXECUTIVE


Douglas M. Duncan
County Executive

MEMORANDUM

Bruce Romer
Chief Administrative Officer

July 25, 2005

TO: Michael J. Knapp, Councilmember
Montgomery County Council

FROM: Bruce Romer, Chief Administrative Officer 

SUBJECT: Building Permits

The following information is being provided in response to your inquiry of July 20, 2005, regarding the processes being implemented for the review of building permit applications in zones having a Maryland-National Capital Park and Planning Commission (MNCPPC) approved site plan.

A list of the effected permits that are pending is attached as Attachment 1. The list is sorted by residential (BUILDING) and commercial (COMBUILD) permits and includes the permit application number, the date of processing, and the address location of the permit. Department of Permitting Services does not track the number of units the permit covers for multifamily structures. All effected permits are for new structures - no permits for alterations or additions to existing structures are affected by the new DPS process.

Attached as Attachment 2, is a copy of the instructions to DPS staff on the procedure for site plan certification by MNCPPC.

Attachment 3 is a sample copy of the letter being sent to building permit applicants notifying them that their permits will not be issued until they resubmit site plans that disclose height and setback calculations.

Executive Branch staff will attend the Council's meeting on this issue to clarify this response or to answer any additional questions you may have.

BR:rh/sr

Attachments (3)



Pending (not issued) New Residential and Commercial Applications in Site Plan Zones

7/22/2005

BUILDING

<u>AP Number</u>	<u>Processed Date</u>	<u>Issue Date</u>	<u>Worktype</u>	<u>Address</u>
387535	6/16/2005 11:11:00AM		CONST	12603 HILL CREEK LA POTOMAC
381373	4/27/2005 2:13:54PM		CONST	713 GLOUSTER KNOLL DR SILVER SPRING
380469	4/19/2005 3:47:00PM		CONST	22205 FAIR GARDEN LA CLARKSBURG
378525	3/31/2005 10:22:46AM		CONST	12943 CLARKSBURG SQUARE RD CLARKSBURG
378524	3/31/2005 10:19:29AM		CONST	12941 CLARKSBURG SQUARE RD CLARKSBURG
378523	3/31/2005 10:15:00AM		CONST	12939 CLARKSBURG SQUARE RD CLARKSBURG
378522	3/31/2005 10:13:00AM		CONST	12937 CLARKSBURG SQUARE RD CLARKSBURG
378518	3/31/2005 10:10:13AM		CONST	12935 CLARKSBURG SQUARE RD CLARKSBURG
378293	3/30/2005 8:32:00AM		CONST	12206 GREENBRIAR BRANCH DR POTOMAC
354648	8/11/2004 8:35:26AM		CONST	13917 DRAKE DR ROCKVILLE
354148	8/5/2004 1:29:19PM		CONST	12915 BARLEYCORN TER GERMANTOWN
353276	7/28/2004 2:42:55PM		CONST	8555 GEREN RD SILVER SPRING
342965	5/3/2004 12:19:00PM		CONST	13303 DUTROW WAY CLARKSBURG
334848	3/3/2004 10:30:00AM		CONST	18620 HOLLOW CREST DR OLNEY
335556	2/29/2004 10:55:08AM		CONST	12302 CYPRESS SPRING RD CLARKSBURG
335462	2/28/2004 4:41:59PM		CONST	23303 BENT ARROW DR CLARKSBURG
335349	2/28/2004 3:02:00PM		CONST	23005 WINGED ELM DR CLARKSBURG
335350	2/28/2004 3:02:00PM		CONST	23007 WINGED ELM DR CLARKSBURG
335351	2/28/2004 3:02:00PM		CONST	23009 WINGED ELM DR CLARKSBURG
335347	2/28/2004 3:01:00PM		CONST	23001 WINGED ELM DR CLARKSBURG
335348	2/28/2004 3:01:00PM		CONST	23003 WINGED ELM DR CLARKSBURG
335328	2/28/2004 2:41:00PM		CONST	18619 HOLLOW CREST DR OLNEY
335329	2/28/2004 2:41:00PM		CONST	18621 HOLLOW CREST DR OLNEY
335325	2/28/2004 2:40:00PM		CONST	18613 HOLLOW CREST DR OLNEY
335327	2/28/2004 2:40:00PM		CONST	18617 HOLLOW CREST DR OLNEY
335326	2/28/2004 2:40:00PM		CONST	18615 HOLLOW CREST DR OLNEY
335324	2/28/2004 2:39:00PM		CONST	18611 HOLLOW CREST DR OLNEY
334947	2/27/2004 6:12:00PM		CONST	23106 BIRCH MEAD RD CLARKSBURG
334694	2/27/2004 5:28:00PM		CONST	12802 GRAND ELM ST CLARKSBURG
334850	2/27/2004 5:04:00PM		CONST	11906 PIEDMONT RD CLARKSBURG
334849	2/27/2004 4:45:00PM		CONST	11904 PIEDMONT RD CLARKSBURG
334521	2/27/2004 3:49:42PM		CONST	11902 PIEDMONT RD CLARKSBURG
334118	2/26/2004 3:20:54PM		CONST	11817 KIGGER JACK LA CLARKSBURG
334114	2/26/2004 3:12:51PM		CONST	11806 PIEDMONT RD CLARKSBURG
334113	2/26/2004 3:12:07PM		CONST	11804 PIEDMONT RD CLARKSBURG
334112	2/26/2004 3:11:21PM		CONST	11802 PIEDMONT RD CLARKSBURG
334092	2/25/2004 3:45:24PM		CONST	11808 PIEDMONT RD CLARKSBURG
334091	2/25/2004 3:43:58PM		CONST	11814 PIEDMONT RD CLARKSBURG
334073	2/25/2004 3:28:01PM		CONST	11800 PIEDMONT RD CLARKSBURG
334082	2/25/2004 3:28:00PM		CONST	23100 BIRCH MEAD RD CLARKSBURG

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334071	2/25/2004	3:23:43PM
334081	2/25/2004	3:22:00PM
333951	2/24/2004	5:34:09PM
333950	2/24/2004	5:26:09PM
333942	2/24/2004	5:13:59PM
333937	2/24/2004	5:07:00PM
333935	2/24/2004	5:00:51PM
333934	2/24/2004	4:55:50PM
333933	2/24/2004	4:50:24PM
333560	2/24/2004	3:25:00PM
333777	2/24/2004	1:28:00PM
333786	2/24/2004	1:17:00PM
333486	2/24/2004	11:59:00AM
333387	2/23/2004	3:20:00PM
333385	2/23/2004	3:19:00PM
333386	2/23/2004	3:19:00PM
333384	2/23/2004	3:18:00PM
333383	2/23/2004	3:14:00PM
333388	2/23/2004	2:53:00PM
333389	2/23/2004	2:52:00PM
330348	1/21/2004	12:34:00PM
330347	1/21/2004	12:33:00PM
325758	11/24/2003	9:52:00AM
301795	4/4/2003	8:40:26AM
297434	2/3/2003	3:06:00PM
297045	1/29/2003	7:35:17AM
278076	5/20/2002	4:38:00PM
271589	3/11/2002	1:26:20PM

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CONST	11816	PIEDMONT RD CLARKSBURG
CONST	23102	BIRCH MEAD RD CLARKSBURG
CONST	13115	ENGLISH TURN DR SILVER SPRING
CONST	13116	ENGLISH TURN DR SILVER SPRING
CONST	13121	ENGLISH TURN DR SILVER SPRING
CONST	13127	ENGLISH TURN DR SILVER SPRING
CONST	13118	ENGLISH TURN DR SILVER SPRING
CONST	13112	ENGLISH TURN DR SILVER SPRING
CONST	13114	ENGLISH TURN DR SILVER SPRING
CONST	23001	BIRCH MEAD RD CLARKSBURG
CONST	23430	TAILOR SHOP PL CLARKSBURG
CONST	23420	TAILOR SHOP PL CLARKSBURG
CONST	14511	BUBBLING SPRING RD CLARKSBURG
CONST	13123	ENGLISH TURN DR SILVER SPRING
CONST	13117	ENGLISH TURN DR SILVER SPRING
CONST	13119	ENGLISH TURN DR SILVER SPRING
CONST	13113	ENGLISH TURN DR SILVER SPRING
CONST	13111	ENGLISH TURN DR SILVER SPRING
CONST	13125	ENGLISH TURN DR SILVER SPRING
CONST	13129	ENGLISH TURN DR SILVER SPRING
CONST	23836	BURDETTE FOREST RD CLARKSBURG
CONST	23834	BURDETTE FOREST RD CLARKSBURG
CONST	24613	FARMVIEW LA DAMASCUS
CONST	14403	ASHLEIGH GREENE CT BOYDS
CONST	23622	GENERAL STORE DR CLARKSBURG
CONST	18412	BRIGHT PLUME TER BOYDS
CONST	18528	RUSHBROOKE DR ROCKVILLE
CONST	3950	BALLET WAY BURTONSVILLE

COMBUILD

AP Number	Processed Date	Issue Date	Worktype	Address
381520	4/28/2005	10:52:00AM	CONST	1970 ROSEMARY HILLS DR SILVER SPRING
379014	4/5/2005	2:13:00PM	CONST	13044 CLARKSBURG SQUARE RD CLARKSBURG
377392	3/22/2005	12:09:00PM	CONST	23030 BIRCH MEAD RD CLARKSBURG
373909	3/8/2005	1:12:18PM	CONST	9701 SKYHILL WAY ROCKVILLE
373907	3/8/2005	1:06:40PM	CONST	9700 SKYHILL WAY ROCKVILLE
373906	2/17/2005	8:57:07AM	CONST	9720 SKYHILL WAY ROCKVILLE
373905	2/17/2005	8:41:42AM	CONST	9720 SKYHILL WAY ROCKVILLE
373904	2/17/2005	8:32:29AM	CONST	9720 SKYHILL WAY ROCKVILLE
373903	2/17/2005	8:13:53AM	CONST	9710 SKYHILL WAY ROCKVILLE
373902	2/17/2005	8:07:35AM	CONST	9710 SKYHILL WAY ROCKVILLE
373901	2/17/2005	8:04:45AM	CONST	9710 SKYHILL WAY ROCKVILLE
373900	2/16/2005	5:02:30PM	CONST	9711 SKYHILL WAY ROCKVILLE

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373908	2/16/2005	4:52:00PM	CONST	9700	OAKDALE DR ROCKVILLE
373899	2/16/2005	8:04:00AM	CONST	9700	OAKDALE DR ROCKVILLE
371313	1/20/2005	11:52:00AM	CONST	11175	GEORGIA AVE WHEATON
371312	1/20/2005	11:51:00AM	CONST	11175	GEORGIA AVE WHEATON
371311	1/20/2005	11:48:00AM	CONST	11175	GEORGIA AVE WHEATON
371310	1/20/2005	11:47:00AM	CONST	11175	GEORGIA AVE WHEATON
371306	1/20/2005	11:40:00AM	CONST	11175	GEORGIA AVE WHEATON
364395	11/8/2004	9:12:00AM	CONST	11235	OAK LEAF DR SILVER SPRING
340027	4/7/2004	10:56:00AM	CONST	18401	ALE HOUSE CIR GERMANTOWN
338587	3/26/2004	9:45:00AM	CONST	12832	CLARKSBURG SQUARE RD CLARKSBURG
336437	3/5/2004	2:45:49PM	CONST	2400	ARCOLA AVE WHEATON
335680	2/29/2004	2:49:00PM	CONST	12400	PARK POTOMAC AVE POTOMAC
335677	2/29/2004	2:47:00PM	CONST	12400	PARK POTOMAC AVE POTOMAC
335679	2/29/2004	2:47:00PM	CONST	12430	PARK POTOMAC AVE POTOMAC
335678	2/29/2004	2:47:00PM	CONST	12430	PARK POTOMAC AVE POTOMAC
335673	2/29/2004	2:46:00PM	CONST	12400	PARK POTOMAC AVE POTOMAC
335674	2/29/2004	2:46:00PM	CONST	12430	PARK POTOMAC AVE POTOMAC
335676	2/29/2004	2:46:00PM	CONST	12430	PARK POTOMAC AVE POTOMAC
335675	2/29/2004	2:46:00PM	CONST	12400	PARK POTOMAC AVE POTOMAC
335672	2/29/2004	2:45:00PM	CONST	12430	PARK POTOMAC AVE POTOMAC
335179	2/29/2004	2:44:00PM	CONST	7809	CADBURY AVE POTOMAC
335671	2/29/2004	2:43:00PM	CONST	12400	PARK POTOMAC AVE POTOMAC
335202	2/29/2004	11:12:00AM	CONST	12531	LINDA VIEW LA POTOMAC
335201	2/29/2004	11:11:00AM	CONST	12529	LINDA VIEW LA POTOMAC
335200	2/29/2004	11:10:00AM	CONST	12527	LINDA VIEW LA POTOMAC
335199	2/29/2004	11:09:00AM	CONST	12525	LINDA VIEW LA POTOMAC
335198	2/29/2004	11:08:00AM	CONST	12523	LINDA VIEW LA POTOMAC
335197	2/29/2004	11:07:00AM	CONST	12521	LINDA VIEW LA POTOMAC
335196	2/29/2004	11:06:00AM	CONST	12519	LINDA VIEW LA POTOMAC
335195	2/29/2004	11:05:00AM	CONST	12517	LINDA VIEW LA POTOMAC
335194	2/29/2004	11:04:00AM	CONST	12515	LINDA VIEW LA POTOMAC
335193	2/29/2004	11:03:00AM	CONST	12513	LINDA VIEW LA POTOMAC
335192	2/29/2004	11:02:00AM	CONST	12511	LINDA VIEW LA POTOMAC
335178	2/29/2004	10:32:00AM	CONST	7807	CADBURY AVE POTOMAC
335177	2/29/2004	10:31:00AM	CONST	7805	CADBURY AVE POTOMAC
335176	2/29/2004	10:30:00AM	CONST	7803	CADBURY AVE POTOMAC
335175	2/29/2004	10:29:00AM	CONST	7801	CADBURY AVE POTOMAC
335173	2/29/2004	10:23:00AM	CONST	12512	ANSIN CIRCLE DR POTOMAC
335174	2/29/2004	10:22:00AM	CONST	12510	ANSIN CIRCLE DR POTOMAC
335172	2/29/2004	10:20:00AM	CONST	12514	ANSIN CIRCLE DR POTOMAC
335171	2/29/2004	10:19:00AM	CONST	12516	ANSIN CIRCLE DR POTOMAC
335170	2/29/2004	10:18:00AM	CONST	12518	ANSIN CIRCLE DR POTOMAC
335169	2/29/2004	10:17:00AM	CONST	12520	ANSIN CIRCLE DR POTOMAC
335168	2/29/2004	10:16:00AM	CONST	12522	ANSIN CIRCLE DR POTOMAC
335167	2/29/2004	10:15:00AM	CONST	12524	ANSIN CIRCLE DR POTOMAC

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335166	2/29/2004	10:14:00AM	CONST	12526	ANSIN CIRCLE DR POTOMAC
335165	2/29/2004	10:13:00AM	CONST	12528	ANSIN CIRCLE DR POTOMAC
335164	2/29/2004	10:10:00AM	CONST	12530	ANSIN CIRCLE DR POTOMAC
335163	2/29/2004	10:04:00AM	CONST	12532	ANSIN CIRCLE DR POTOMAC
335162	2/29/2004	10:03:00AM	CONST	12534	ANSIN CIRCLE DR POTOMAC
335161	2/29/2004	10:02:00AM	CONST	12536	ANSIN CIRCLE DR POTOMAC
335160	2/29/2004	9:53:00AM	CONST	12531	ANSIN CIRCLE DR POTOMAC
335159	2/29/2004	9:52:00AM	CONST	12533	ANSIN CIRCLE DR POTOMAC
335158	2/29/2004	9:51:00AM	CONST	12535	ANSIN CIRCLE DR POTOMAC
335157	2/29/2004	9:50:00AM	CONST	12537	ANSIN CIRCLE DR POTOMAC
335156	2/29/2004	9:49:00AM	CONST	12539	ANSIN CIRCLE DR POTOMAC
335155	2/28/2004	2:45:00PM	CONST	12543	ANSIN CIRCLE DR POTOMAC
335154	2/28/2004	2:44:00PM	CONST	12545	ANSIN CIRCLE DR POTOMAC
335153	2/28/2004	2:43:00PM	CONST	12547	ANSIN CIRCLE DR POTOMAC
335152	2/28/2004	2:42:00PM	CONST	12549	ANSIN CIRCLE DR POTOMAC
335151	2/28/2004	2:41:00PM	CONST	12551	ANSIN CIRCLE DR POTOMAC
335150	2/28/2004	2:35:00PM	CONST	12555	ANSIN CIRCLE DR POTOMAC
335149	2/28/2004	2:34:00PM	CONST	12557	ANSIN CIRCLE DR POTOMAC
335148	2/28/2004	2:33:00PM	CONST	12559	ANSIN CIRCLE DR POTOMAC
335146	2/28/2004	2:32:00PM	CONST	12563	ANSIN CIRCLE DR POTOMAC
335147	2/28/2004	2:32:00PM	CONST	12561	ANSIN CIRCLE DR POTOMAC
335145	2/28/2004	2:31:00PM	CONST	12565	ANSIN CIRCLE DR POTOMAC
335144	2/28/2004	2:26:00PM	CONST	12569	ANSIN CIRCLE DR POTOMAC
335143	2/28/2004	2:25:00PM	CONST	12571	ANSIN CIRCLE DR POTOMAC
335141	2/28/2004	2:24:00PM	CONST	12575	ANSIN CIRCLE DR POTOMAC
335142	2/28/2004	2:24:00PM	CONST	12573	ANSIN CIRCLE DR POTOMAC
335140	2/28/2004	2:22:00PM	CONST	12577	ANSIN CIRCLE DR POTOMAC
335138	2/28/2004	2:21:00PM	CONST	12581	ANSIN CIRCLE DR POTOMAC
335139	2/28/2004	2:21:00PM	CONST	12579	ANSIN CIRCLE DR POTOMAC
335137	2/28/2004	2:11:00PM	CONST	12585	ANSIN CIRCLE DR POTOMAC
335136	2/28/2004	2:10:00PM	CONST	12587	ANSIN CIRCLE DR POTOMAC
335135	2/28/2004	2:09:00PM	CONST	12589	ANSIN CIRCLE DR POTOMAC
335134	2/28/2004	2:08:00PM	CONST	12591	ANSIN CIRCLE DR POTOMAC
335118	2/28/2004	1:25:00PM	CONST	7801	PEARSON KNOLL PL POTOMAC
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335069	2/28/2004	11:24:29AM
335068	2/28/2004	11:22:00AM
335067	2/28/2004	11:21:00AM
335066	2/28/2004	11:14:00AM
335065	2/28/2004	11:13:00AM
335064	2/28/2004	11:12:00AM
335063	2/28/2004	11:11:00AM
335062	2/28/2004	11:09:00AM
333744	2/24/2004	8:32:00AM
333700	2/24/2004	8:14:00AM
333699	2/24/2004	8:13:00AM
333694	2/24/2004	7:54:00AM
317020	8/27/2003	2:33:27PM
303560	6/5/2003	5:07:32PM
303559	6/5/2003	5:05:16PM
303558	6/5/2003	5:03:31PM
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129 COMBUILD		

197 Total

CONST	12474	ANSIN CIRCLE DR POTOMAC
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CONST	12478	ANSIN CIRCLE DR POTOMAC
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CONST	12484	ANSIN CIRCLE DR POTOMAC
CONST	12486	ANSIN CIRCLE DR POTOMAC
CONST	12488	ANSIN CIRCLE DR POTOMAC
CONST	12490	ANSIN CIRCLE DR POTOMAC
CONST	7800	CADBURY AVE POTOMAC
CONST	7802	CADBURY AVE POTOMAC
CONST	7804	CADBURY AVE POTOMAC
CONST	7806	CADBURY AVE POTOMAC
CONST	7808	CADBURY AVE POTOMAC
CONST	18421	ALE HOUSE CIR GERMANTOWN
CONST	13601	ALE HOUSE RD GERMANTOWN
CONST	13621	ALE HOUSE RD GERMANTOWN
CONST	18401	ALE HOUSE CIR GERMANTOWN
CONST	11400	HERFORDSHIRE WAY GERMANTOWN
CONST	2330	COBBLE HILL TER SILVER SPRING
CONST	2328	COBBLE HILL TER SILVER SPRING
CONST	2326	COBBLE HILL TER SILVER SPRING
CONST	2324	COBBLE HILL TER SILVER SPRING
CONST	2306	COBBLE HILL TER SILVER SPRING
CONST	2304	COBBLE HILL TER SILVER SPRING
CONST	2300	COBBLE HILL TER SILVER SPRING
CONST	1	DISCOVERY PL SILVER SPRING

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PROCEDURE FOR SITE PLAN CERTIFICATION BY MNCPPC (not for public distribution)

Effective July 14, 2005, any building applications submitted pursuant to a **Maryland-National Capital Park and Planning site plan or development agreement** **MUST** include the following language on the site plan submitted for review:

The height of this building, as defined by the Montgomery County Zoning Ordinance, is _____ feet, which complies with Site Plan No. _____ approved by the Montgomery County Planning Board.

The minimum setbacks for this building, as defined by the Montgomery County Zoning Ordinance, are _____ feet front, _____ feet rear, and _____ feet side, which comply with Site Plan _____ approved by the Montgomery County Planning Board.

FRONT COUNTER STAFF RESPONSIBILITIES

For **NEW** residential and commercial intakes **DO NOT** create a permit. Simply put the customer in the CRI screen. The CRI permit tech will create the permit.

CRI PT - NEW APPLICATIONS (RESIDENTIAL AND COMMERCIAL)

CRI PT should ask:

1. Do you have a site plan agreement with MNCPPC?
2. Are you developing under "optional method"?

If **YES** to either question – then applicant needs to provide above information **ON THEIR SITE PLAN (FOR EACH LOT AND/OR BUILDING COVERED BY THE SITE PLAN)** and have it certified by MNCPPC.

CRI PT WILL forward the site plan to MNCPPC for certification as part of the Park & Planning packet.

DO NOT accept applications and plans if this information is not **shown** on the site plan.

DO NOT CREATE A PERMIT IN THIS CASE. Under no circumstances should a permit number be assigned for the application when the language and certification are not present or the required site plan information is missing or incomplete.

If the site plan has the required certification then the CRI PERMIT TECHNICIAN will create the permit and forward the completed packet to zoning and MNCPPC as appropriate for review.

ANY ZONING SPECIALIST CAN PROVIDE INFORMATION.

CRI PT - PENDING APPLICATIONS (RESIDENTIAL AND COMMERCIAL)

For pending applications, letters have been sent to the applicant informing them of the new requirement.

APPLICANT MUST SUBMIT A NEW SITE PLAN WITH THE ABOVE LANGUAGE.

PT will send the site plan to MNCPPC for site plan certification (Wayne Cornelius).

DPS should get back the site plan **SIGNED OR STAMPED** with MNCPPC's approval.

Site plan should then be forwarded to Susan Scala-Demby or Gail Lucas for final zoning review approval.



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

July 18, 2005

[REDACTED]

[REDACTED]

Regarding: Building Permit# [REDACTED]

Building Premise Address: [REDACTED]

Dear Building Permit Applicant:

The above building permit application is pending issuance by Department of Permitting Services (DPS). Prior to issuing the permit, DPS, at the request of the Maryland National Capital Park and Planning Commission (MNCPPC), requires that you submit a revised site plan that includes the following specific language. Please enter data specific to your building permit in the blanks.

The height of this building, as defined by the Montgomery County Zoning Ordinance, is ____ feet, per the architectural drawings, dated _____, which complies with Site Plan #____ approved by the Montgomery County Planning Board; the height of this building may be impacted by final grading, but the building should not exceed ____ as permitted by the site plan.

The setbacks for this building, as defined by the Montgomery County Zoning Ordinance, are ____ feet front, ____ feet rear, and ____ feet side (both sides total of ____ feet min); the setbacks comply with Site Plan # _____ approved by the Montgomery County Planning Board.

This information is needed for MNCPPC to recommend approval of your permit application. Please submit this information to DPS and we will forward the site plan to MNCPPC. If you have questions or need additional information, please call 240 777-6240.

Sincerely,

Reginald Jetter, Division Chief
Division of Casework Management



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MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

STEVEN A. SILVERMAN
COUNCILMEMBER

MEMORANDUM

July 25, 2005

To: Councilmembers

From: Councilmember Steven A. Silverman 

Subject: Bill 22-05 and Other Actions

It is imperative that our residents and businesses have confidence in County's development approval process, and I am committed to taking whatever steps we need to take to ensure that confidence.

We also need to be aware of consequences of our actions on families about to make one of the most important decisions of their lives: buying a home. We want to minimize disruption to them as much as possible, as some will be dealing with double moves, temporary housing, furniture storage, school issues, potential loss of mortgage loan approval, etc.

So, our challenge in the short term is to take the necessary steps to recheck building permits to make sure they comply with prior approvals and to do it as promptly as is humanly possible. This will require additional staff and in the interim, while new staff is hired, reassignment of existing staff.

I also believe we need to set up a more public interim process over the next six months with respect to approval of "minor" site plan amendments while we review more permanent changes to the development approval process.

Finally, over the next two years, I believe we should require that the Inspector General conduct periodic performance audits of building permit approvals and enforcement of site plans.

Specifically:

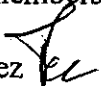
- I support Bill 22-05's provisions to require a review of pending and previously issued building permits where construction has not started (where footings are not in the ground) to verify compliance with site plan and other applicable requirements.
- To accomplish this, I support additional staff to review building permit applications, and conduct inspection and enforcement of same. In the interim, while new staff is hired, reassignment of existing staff should occur.
- For the next six months, I propose that any requested "minor" site plan amendments require approval by the Planning Board, just as major site plan amendments currently do. These items could appear on a Planning Board agenda as consent items, and would give the public notice of their occurrence, and a written explanation of the request and action taken by the Board. This would give greater public transparency when amendments are requested and what types of changes constitute minor amendments. I suggest that the Planning Board provide periodic listings to the Council of these minor amendment actions. I would view this as an interim measure while OLO and other reviews occur and prior to any permanent development approval changes the Planning Board or the Council might take.
- Finally, I propose that the Council mandate that for the next two years the Inspector General conduct periodic performance audits of building permit approval actions and enforcement of approved site plans by the Department of Park and Planning. I have asked staff to draft an amendment to Bill 22-05 for this purpose and will propose it tomorrow.

Together, we can take these and other future actions needed to improve our land use approval, oversight, and enforcement processes. I know we are all committed to that task.

cc: Mike Faden
Derick Berlage
Douglas M. Duncan
Robert Hubbard
Thomas Dagley

MEMORANDUM

July 25, 2005

TO: Councilmembers
FROM: Tom Perez 
SUBJECT: **Short-Term Action in Response to the Violations at Clarksburg Town Center**

In recent weeks, I have been engaged in a discussion with the stakeholders involved in the events at Clarksburg Town Center. We have discussed both the short and long-term issues and repercussions.

I have also spoken with the Department of Permitting Services and the Planning Board about the short-term measures they are taking in response to the events at Clarksburg.

For our discussion tomorrow, I am providing an outline of the short-term measures that are already in process while the various reviews of the development approval and implementation process take place.

Short Term Measures Undertaken During the Pendency of the Various Reviews of the Development Review and Implementation Process in Montgomery County

- No new building permits will be issued in Clarksburg Town Center development until further review and certification of compliance with appropriate site plans.
- Council will recommend to the Planning Board as a condition of the approval of the application for the extension of the preliminary plan that a project architect or certified land planner, approved by the Planning Board and funded by the developer, be put in place throughout the remainder of the development of the Clarksburg Town Center.
- All requests to amend site plans in Clarksburg will be held in abeyance pending the results of the reviews of what went wrong in Clarksburg and elsewhere.
- The Department of Permitting Services, Department of Public Works and Transportation, and the Planning Commission will review the road infrastructure within the Clarksburg Town Center, and will provide the Council with a report by August 15, 2005 regarding the status of the implementation of the provisions of the Clarksburg Town Center site plans pertaining to road infrastructure, including recommendations for ensuring that the necessary road infrastructure is in place in a timely fashion.
- A countywide freeze on issuance of Building Permits in site plan zones (residential and commercial) is in place until height limit and setback requirements can be verified.
- Almost 200 building permit applications (residential and commercial) are currently pending with county authorities. No permits will be issued until developer/builder resubmits site plans that disclose height and setback calculations. Department of Permitting Services and the Planning Commission will be required to verify the setback and height restrictions spelled out in the site plan approvals.
- Any application seeking approval that makes use of the term "story" to describe the height of the structure, instead of spelling out how many feet the building will be, will be rejected.
- Immediate Review of Site Plans approved throughout Montgomery County within the past two years will take place to ensure that work being done is in accordance with the specifications of the approved

plans. Planning Board and Department of Permitting Services have authority to immediately suspend development in any site plan where violations are uncovered.

- Planning Board and Department of Permitting Services will provide weekly reports to the Council updating the Council on the progress of the reviews.
- Park and Planning mid-level personnel no longer have the authority to approve “administrative” or so-called minor amendments to site plans in Montgomery County. Charles Loehr must personally approve each and every amendment to a site plan.
- Subject to Council approval, the Department of Permitting Services and the Planning Commission will submit to the County Council by July 30, 2005 a staffing plan to increase the number of personnel dedicated to site plan and other enforcement duties. The resources for this additional personnel will come from increased fees on developers and builders, and not from taxpayer funded sources.
- Existing personnel within the Department of Permitting Services and the Planning Commission will be immediately re-deployed to perform site plan inspection functions.
- The Department of Permitting Services and the Planning Commission will immediately begin the process of recruiting additional, qualified personnel to perform enforcement functions within the two agencies.
- The builders and developers involved in the proceeding pending before the Planning Board pertaining to the Clarksburg Town Center development have agreed to the community’s request that the Planning Board investigate and adjudicate *all* allegations of violations prior to adjudication of the sanctions. In other words, the community has requested that the Planning Commission peel the Clarksburg Town Center onion to its core before deciding on any sanctions, and the developers and builders have now agreed to join in this request. This request is subject to the Planning Board’s discretion.

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW



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CC
MM
KL
RW
OLO

July 20, 2005

Stephen P. Elmendorf
301.961.5110
selmendorf@linowes-law.com

Tom Perez, President
Montgomery County Council
Council Office Building
100 Maryland Avenue
Rockville, MD 20850

Re: Expedited Bill No. 22-05: *Building Permits Moratorium*

Dear Council President Perez:

This law firm represents LCOR, White Flint, LLC, the developer of the White Flint Metro Station property. On Thursday, July 21, 2005 we will be before the Planning Board seeking *Site Plan approval for the first of several site plans for this smart growth, transit-oriented, mixed-used development.*

Prior to the introduction of the above-referenced legislation, we had anticipated receiving the necessary building permits for this site plan in October, 2005. Our concern is that, although the proposed legislation has a sunset date of November 1, 2005, the moratorium could be extended well beyond that date. My purpose in writing to you is to request an amendment to this proposed legislation that would exempt building permits for development within Metro Station Policy Areas from the proposed moratorium. Suggested language is attached as Exhibit "A".

In the alternative, the proposed legislation should be amended to eliminate the fifteen (15) day waiting period provided in Section 1(b)(2) of the legislation. This fifteen-day period serves no lawful purpose since, under the County Code, issuance of building permits is the responsibility the Director of the Department of Permitting Services. The County Council has no legislative authority to block issuance of a particular building permit. This provision in the proposed legislation serves no lawful purpose and only adds additional delay to building permits that should be lawfully and promptly issued by DPS, the agency legally charged with that function.

2005 JUL 21 PM 1:30

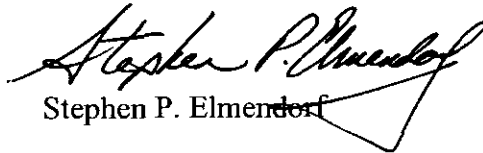
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Tom Perez, President
July 20, 2005
Page 2

Thank you for your anticipated consideration of the matters addressed in this letter. Please include this letter in the public hearing record of this legislation.

Very truly yours,

LINOWES AND BLOCHER LLP


Stephen P. Elmendorf

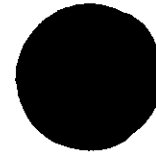
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EXHIBIT "A"

- (c) This Act shall not apply to a building permit for the construction of any multi-family residential building located within a Metro Station Policy Area.**

LINOWES
AND **BLOCHER LLP**
ATTORNEYS AT LAW



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July 20, 2005

Stephen P. Elmendorf
301.961.5110
selmendorf@linowes-law.com

Tom Perez, President
Montgomery County Council
Council Office Building
100 Maryland Avenue
Rockville, MD 20850

Re: Expedited Bill No. 22-05: Building Permits Moratorium

Dear Council President Perez:

This firm represents AvalonBay Communities, Inc. Our client has received special exception approval from the County Board of Appeals (dated June 23, 2004) and site plan approval from the Planning Board (dated January 10, 2005), to provide 196 multi-family rental units, 35% of which (69 units) will be Productivity Housing Units ("PHUs"). These will be the first PHUs constructed in Montgomery County.

My purpose in writing is to request that the above-referenced bill be amended to exempt PHU projects from its coverage.

The reason for this request is simple. Because of the high percent of PHUs required for a PHU special exception approval (35%), any unanticipated cost, like a building permit moratorium, has a serious impact on the ability of a developer to construct and complete the approved residential community. Our client has 11 pending building permit applications for the entire development that are in the final stages of DPS review. This proposed legislation, even under the best of conditions, will cause several months of delay in the issuance of those building permits. That delay will be an expensive one for our client (land carry costs, etc.) and could prove fatal to our client's implementation of its approved special exception.

Given the fact that this project has already undergone an additional level of review before the Board of Appeals and has been before the Planning Board and its staff two times (once for the special exception and once for the site plan), there is no question at any level about this project's compliance with all applicable development standards. Without an amendment to this proposed legislation, our client, nonetheless, will be caught up in this moratorium, and forced to wait several costly months for its building permits.

Tom Perez, President

July 20, 2005

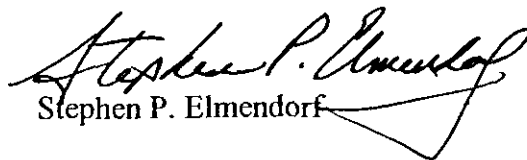
Page 2

In recent months, the County Council has shown a genuine interest in finding ways to generate more affordable housing in this County. This proposed legislation, however, will have exactly the opposite effect on cost-sensitive projects, like our client's proposed PHU development.

Thank you in advance for your anticipated consideration of the matters raised in this letter. Please include this letter in the public hearing testimony on this legislation.

Very truly yours,

LINOWES AND BLOCHER LLP


Stephen P. Elmendorf

SPE:dj-p

cc: Betsy Weingarten

L&B 460917v1/03317.0009

CLARKSBURG TOWN CENTER ADVISORY COMMITTEE
PROPOSED AMENDMENTS TO EXPEDITED BILL NO. 22-05

1. Section 1 is Amended as follows:

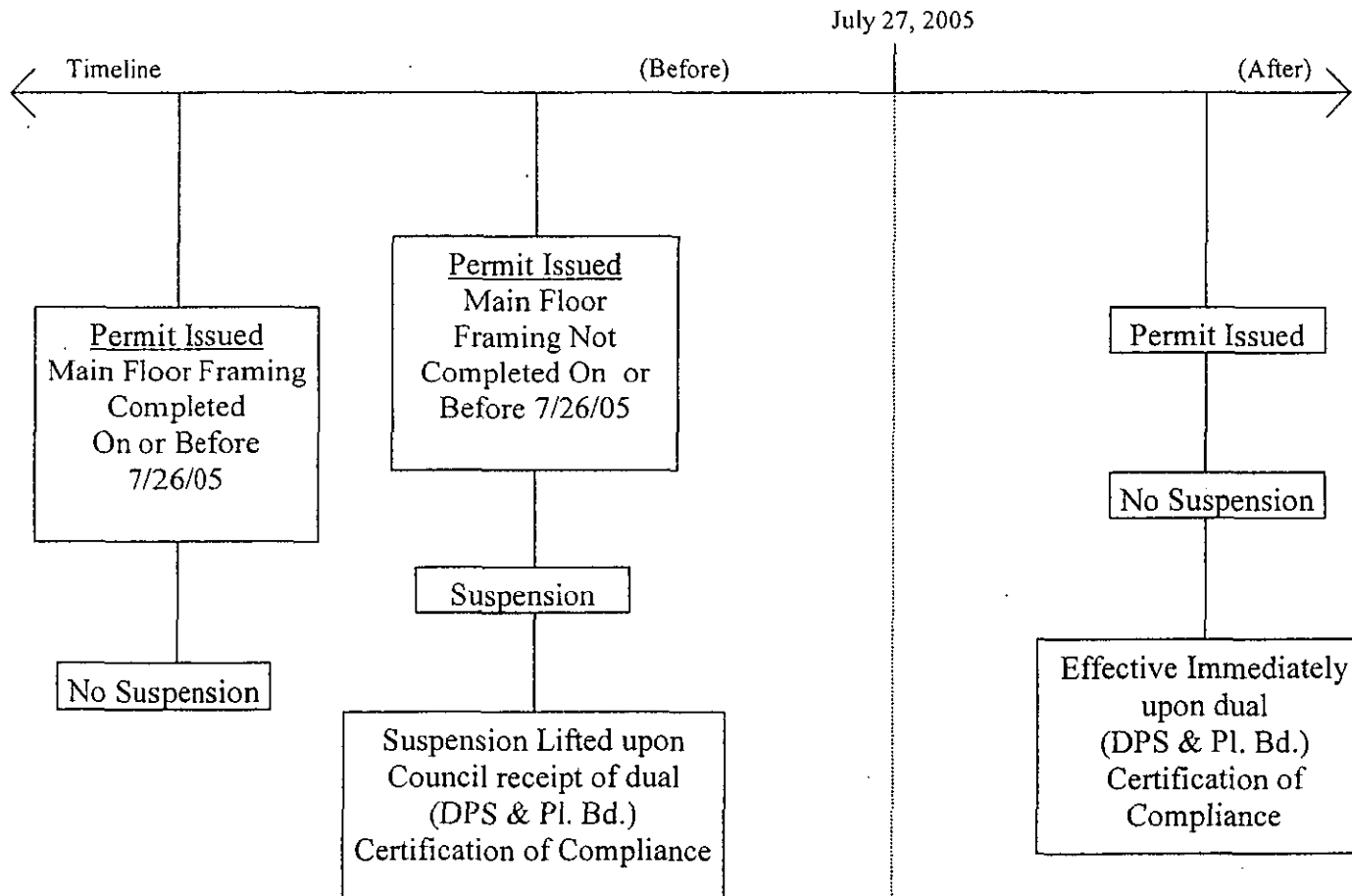
Subparagraphs (a) and (b) are deleted in their entirety.

Section 8-25 of the Montgomery County Code is amended as follows:

Subparagraphs (b) – (h) are redesignated as (c) – (i), and a new subparagraph (b) is added to read as follows:

- (b)(1) Additional requirements for lots subject to an approved site plan. If a building permit is for construction on a lot for which development is subject to an approved site plan under §59-D-3, the Director may not issue the permit without receipt of a signed certification from the Planning Board or its designee of (1) the applicable development standards for the lot and any improvements thereon, taking account of all the requirements of the site plan, and (2) its determination that the construction proposed by the permit conforms with those standards. Following such receipt, the Director shall independently examine and determine compliance with the standards so certified, in addition to the requirements set forth in subparagraph (a).
- (2) Additional review of certain issued permits. With respect to any building permit issued before the effective date of this Act for construction of any building which is subject to an approved site plan under §59-D-3, if the main floor framing has not been completed by the date of this Act takes effect:
- (A) Such permits are suspended and no further work may proceed with respect to such building.
- (B) The Director may issue an order lifting the suspension and allowing work to resume upon receipt by the Council of a report, signed jointly by the Chair of the County Planning Board and the Director of the Department of Permitting Services, verifying that plans for that building conform to all applicable provisions of any approved project plan, subdivision plan, site plan, and building permit, and any other applicable requirement of Chapter 8, Chapter 50, and Chapter 59.
- (C) Nothing in this subparagraph shall be construed as precluding the Department of Permitting Services or the County Planning Board from imposing any penalty, remedy or other action authorized by law for a violation of Chapter 8, Chapter 50, and Chapter 59 which occurred prior to the effective date of this Act.

EXPEDITED BILL NO. 22-05 (REVISED)
SCHEMATIC OF IMPACT ON SITE PLAN BUILDING PERMITS
DATE OF ENACTMENT: JULY 26, 2005



AMENDMENT

To Bill 22-05

BY Councilmember Silverman

PURPOSE: require the Inspector General to conduct performance audits of certain building permit and related site plan actions

Beginning on page 2, line 24, insert Section 2 and renumber current §2:

1 **Sec. 2. Inspector General reports.** Notwithstanding County
2 Code Section 2-151(i), the work plan of the Inspector General must
3 include, for fiscal years 2006 and 2007, an annual performance audit
4 of:

5 (a) the reviews by the Department of Park and Planning of the
6 conformance of building permit applications to approved site
7 plans; and

8 (b) the enforcement of approved site plans by the Department of
9 Park and Planning.

10 In conducting these performance audits, the Inspector General should
11 compare the Department's performance in the most recent year with
12 its performance during the period from July 1, 2003, to July 1, 2005.